ORIGINAL

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems	)	CC Docket No. 94-102

To: Chief, Wireless Telecommunications Bureau

REPLY COMMENTS OF U S WEST WIRELESS, LLC

U S WEST WIRELESS, LLC

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July 2, 1999

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SUMMARY

U S WEST Wireless, LLC submits that the record in this proceeding supports amendment or waiver of Section 20.18(e) of the Commission's rules to allow carriers the flexibility to choose between network-based and handset-based solutions (or hybrids) for Enhanced 911 Phase II compliance. This regulatory change is essential to ensure technological neutrality and to allow further development and consideration of promising, cost effective Phase II solutions. Parties opposing waiver or amendment of the rules provide no legal, technical or policy basis for Commission mandate of a single technology choice.

As demonstrated in the record (and confirmed in the recent Commission Roundtable) no Phase II solution is commercially available for all CMRS services. To confirm, while carriers are moving forward with the testing and vendor contacts needed to select and implement ALI technologies, there is no commercially available product available for CDMA carriers such as U S WEST. While the Commission should not abandon network-based solutions — as some propose — regulatory flexibility is needed to allow the various technological solutions to develop, and for the best solutions to succeed. For CDMA carriers, handset-based or hybrid technologies are currently showing more potential in terms of technical feasibility and cost. Efforts by the network vendors to portray handset solution providers as "latecomers" are self-serving and misleading. Again, there is no current network CDMA solution available.

Handset churn and carrier marketing/education efforts will promote the rapid deployment of handset-based solutions in the marketplace, if they prove viable. There is no need to impose a retrofit/replacement obligation and consumer choice issues would be negatively affected by such a mandate. Moreover, phased-in deployment for Phase II compliance will be the fact whatever technology is chosen, in view of the conditions for compliance (*e.g.* cost recovery mechanisms and PSAP capability).

Rapid handset turnover and market forces will allow rapid deployment and customer acceptance of effective Phase II solutions. The record acknowledges that external factors, such as equipment availability and demand fluctuations, will impact overall deployment/penetration levels of Phase II solutions. Moreover, a good faith compliance effort should suffice. Extreme sanctions are not appropriate, especially where carriers are dependent on third parties (manufacturers) for the availability of compliant technology.

U S WEST continues to support the use of CEP or other methodologies over use of RMS for determining Phase II compliance. In addition, standards work is ongoing and no mandates are needed. Finally, it is important that interface requirements not be interpreted to authorize mandated technology choices by PSAPs.

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REPLY COMMENTS OF U S WEST WIRELESS, LLC

U S WEST Wireless, LLC ("U S WEST") hereby files reply comments to address issues raised in response to the Wireless Telecommunications Bureau ("Bureau") Public Notice of June 1, 1999, seeking additional comments on issues relating to implementation of handset-based enhanced 911 ("E-911") Phase II ALI solutions.[1]

The comments in this proceeding demonstrate that amending or waiving Section 20.18(e) of the Commission's rules to afford carriers the flexibility to choose between network-based and handset-based solutions will serve the public interest. Commenters further support U S WEST's view that: (1) any benchmarks adopted for deployment of handset-based solutions should be considered an indicia of compliance rather than a *per se* violation of the rules, and that carriers should be able to rely on either initial deployment benchmarks or penetration level benchmarks for compliance; (2) while 100 percent penetration is not feasible, marketing and promotional

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[1] *See Public Notice, Wireless Telecommunications Bureau Requests Targeted Comment on Wireless E911 Phase II Automatic Location Identification Requirements*, CC Docket No. 94-102, DA 99-1049 (rel. June 1, 1999), 64 Fed. Reg. 31530 (June 11, 1999) ("Public Notice").

efforts, together with handset turnover, will assure rapid market penetration and deployment of ALI-capable handsets; and (3) CEP is an appropriate methodology for measuring ALI accuracy.[2]

I. THE RECORD IN THIS PROCEEDING SUPPORTS WAIVER OR AMENDMENT OF THE E-911 PHASE II REQUIREMENTS, SUBJECT TO TARGET BENCHMARKS FOR ALI-CAPABLE HANDSET DEPLOYMENT

As early as December 1997, the Commission "took note of concerns that the effect of Section 20.18(e) might not be technologically and competitively neutral for some technologies . . . in particular handset-based technologies such as those using the GPS satellite system."[3] The record developed in response to the Bureau's earlier Public Notice demonstrated that the current rule is not technology-neutral, and that the public interest would be served by amending the rules or granting CMRS carriers conditional waivers of the Section 20.18(e) "flash cut" requirement.[4] The record in this docket demonstrates further that the limited conditional waivers or rule changes proposed by carriers to facilitate the phased-in deployment of ALI-

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[2] *See* U S WEST Wireless Comments in CC Docket No. 94-102, filed June 17, 1999 ("U S WEST Comments"), at 4-10.

[3] *See Wireless Telecommunications Bureau Outlines Guidelines for Wireless E911 Rule Waivers for Handset-Based Approaches to Phase II Automatic Location Identification Requirements*, CC Docket No. 94-102, DA 98 2631, at 1 (Wireless Telecom. Bur. rel. Dec. 24, 1998) (citing *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Memorandum Opinion and Order*, 12 FCC Rcd. 22665, 22725 ¶ 124 (1997)). The issue of whether current Section 20.18(e) is technology neutral was discussed extensively in response to the December Public Notice. Parties demonstrated at that time that the current rule is *not* technology neutral, and amending the rules will not "favor" handset-based solutions, simply because network-based solutions will no longer be the only means of compliance. *See* AirTouch Comments in CC Docket No. 94-102, at 15-16; PrimeCo Petition for Waiver in CC Docket No. 94-102, at 2-3, 9-10 (filed Feb. 4, 1999); U S WEST Petition for Waiver, CC Docket No. 94-102, at 8-9 (filed Feb. 4, 1999); AirTouch Reply in CC Docket No. 94-102, at 8-10 (filed Feb. 22, 1999).

[4] *See* AirTouch Waiver Petition; PrimeCo Waiver Petition; Sprint PCS Waiver Petition; U S WEST Waiver Petition.

capable handsets according to target benchmarks will promote the rapid deployment and the availability of Phase II capabilities. Parties opposing waiver or amendment of Section 20.18(e) still provide no legal, technical or policy basis for the Commission to mandate a single technology on CMRS providers.

A. No Phase II Solution is Commercially Available for Carrier Deployment, Including Any Network-Based Solution

As U S WEST explained in its comments, the "flash cut" implementation required under the current rule is feasible "*only if such a solution is commercially available and is technically and economically feasible.*"[5] The record in this proceeding including, most recently, discussions at the Commission's Technical Roundtable on ALI implementation,[6] demonstrates that the lack of commercial availability of *any* solution, particularly for CDMA carriers, warrants providing carriers with the flexibility to select and implement particular ALI solutions. Carriers *are* moving forward with the testing and vendor inquiries needed to evaluate and choose an ALI technology.[7] The simple fact remains, however, that no vendor has a commercially available CDMA solution.[8]

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[5] *See* U S WEST Comments at 9 (emphasis in original).

[6] *See* Public Notice, *Commission Announces Details of Technical Roundtable on Implementation of Automatic Location Identification for Enhanced 911 Technologies*, CC Docket No. 94-102, DA 99-1243 (rel. June 23, 1999).

[7] *See* AirTouch Comments at 4 (discussing testing efforts and RFIs); ALLTEL Comments at 3 n.8; PrimeCo Comments at 2; U S WEST Comments at 3-4 (discussing testing efforts and RFIs). Thus, while U S WEST cannot speak on behalf of all carriers, APCO's concern that "some carriers appear to view waivers as an excuse for doing nothing" is not supported in the record. *See* APCO Comments at 4.

[8] *See* AirTouch Comments at 1; Nortel Networks Comments at 4; PrimeCo Comments at 2.

Further, the Commission should not abandon network-based solutions, as WCA proposes.[9] U S WEST and other carriers have not selected a particular solution, and the record shows that both network- and handset-based solutions are still developing and have some current limitations. U S WEST submits that it would disserve the public interest to eliminate the rule's bias favoring a network-based solution only to replace it with a bias favoring handset-based solutions.[10] Again, regulatory flexibility will allow the various technological solutions to develop and will permit the *best* solutions to succeed. While no solution is fully viable at present, for CDMA carriers, handset-based or hybrid technologies are, to date, showing considerably more potential in terms of technical feasibility and cost.[11]

While KSI refers to handset solution providers as "latecomers to this proceeding," it does acknowledge that, at the current time, it does *not* have a viable CDMA solution and that it is "currently developing" network-based ALI capabilities for CDMA.[12] In sum, network vendor claims that handset proponents are "too late" are unsupported. Indeed, from the perspective of service providers with CDMA technology, KSI — and other network vendors — are

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[9] WCA Comments (referencing WCA Petition at 3-4); *see* AirTouch Comments at 7 n.14; RTG Comments at 3; *see also* Sprint PCS Comments at 4.

[10] *See* ALLTEL Comments at 2-3; APCO Comments at 4 ("competition among technology providers should lower costs for all location technologies"); CTIA Comments at 2 (same); *see also* AT&T Comments at 3 (Bureau should encourage various solutions).

[11] *See* IDC Comments at 14-15; WCA Petition at 4-5. This potential has also been confirmed by virtue of these vendors' willingness to share test data and participate with carriers' compliance efforts. *See* AirTouch Comments at 4 (discussing testing efforts and RFIs); IDC Comments at 10-11; U S WEST Comments at 3-4 (discussing testing efforts and RFIs); SnapTrack Comments at 14-15.

[12] The absence of a network-based CDMA solution was confirmed at the Technology Roundtable.

"latecomers" to the important issue of CDMA ALI solutions, and the contention that "carriers are standing on the sidelines taking advantage of the delay" should be rejected outright.[13]

B. The Record Demonstrates that Handset Turnover Will Facilitate the Rapid Deployment of Handset-Based ALI Technologies

Numerous commenters support U S WEST's conclusion that handset churn and carrier marketing/education efforts will promote the rapid deployment of handset-based solutions into the marketplace.[14] U S WEST also agrees with commenters that imposing an obligation to retrofit or replace handsets to make them ALI-capable is inappropriate and unnecessary due to rapid handset turnover.[15] Finally, U S WEST agrees that the standardization process will facilitate the deployment of ALI-capable handsets and mitigate roaming issues of concern to the Commission.[16] U S WEST cautions, however, that APCO's proposal to mandate that carriers "agree to implement technologies that meet industry standards for interfacing with all carriers and PSAPs" is unnecessary, given the progress already made in the standards development

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[13] *See* KSI Comments at 10. U S WEST is particularly troubled by those who attempt to further their business objectives by suggesting that others, including carriers, are not interested in "saving lives." The facts do not support this reckless claim and the important issues raised in this proceeding are not well-served by such statements.

[14] *See* AirTouch Comments at 14-17; SnapTrack Comments at 18-19; Sprint PCS Comments at 4-6.

[15] *See* AirTouch Comments at 16; BellSouth Comments at 6-7; PCIA Comments at 5-6; Rural Cellular Ass'n Comments at 3-4; RTG Comments at 4; SnapTrack Comments at 16-17.

[16] *See* PrimeCo Comments at 7; SnapTrack Comments at 20; King County at 5; *see also* U S WEST Comments at 9 (citing to market-based incentives to rapidly deploy ALI-capable handsets). As Sprint PCS demonstrates, the business need for carriers with the same air interface protocol (CDMA, TDMA, GSM or iDEN) to enter into roaming agreements will mitigate the likelihood of problems raised by Omnipoint. *See* Omnipoint Communications Comments at 4; Sprint PCS Comments at 5.

process.[17] At minimum, this proposal should not be interpreted too broadly, as there is no requirement that a CDMA carrier, for example, carry *any* calls, including 911 calls, made by a roamer from, *e.g.*, an out-of-market GSM carrier.[18]

TruePosition, KSI, NENA and others express concern for the CMRS subscribers with legacy handsets purportedly "left behind" by phased in deployment of ALI-capable handsets and the impact of such deployment on public safety.[19] As BellSouth and APCO have noted, however, customers served by a carrier opting instead for a network-based solution "may not enjoy the public safety benefits of ALI for an extended period of time"[20] due not to carrier deployment efforts, but because state and local jurisdictions have not adopted cost recovery mechanisms or undertaken efforts to upgrade PSAP systems.[21] Roamers too will face the same problems; a subscriber whose carrier provides network-based Phase II service will not enjoy Phase II benefits in a jurisdiction where the PSAP does not have the capability to receive ALI.

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[17] *See* APCO Further Comments at 3. U.S. Wireless has similarly proposed that carriers be required to accommodate analog, dual mode and digital handsets. *See* U.S. Wireless Comments at 9. As Nortel Networks notes, and TIA confirms, the TR45 and T1P1 fora "can be relied upon to develop the needed consensus-based industry standards." Nortel Networks Comments at 2; TIA Comments at 3 (unpaginated).

[18] *See* 47 C.F.R 20.12(c). Aerial, for example, while supporting APCO on this issue, notes that as particular digital technologies (in Aerial's case, GSM) become more widely deployed, roaming becomes less of a concern. *See* Aerial Comments at 4, 5.

[19] *See, e.g.,* KSI Comments at 7, 11; TruePosition at 2-4; NENA at 5-7; Radix at 4; Omnipoint Communications at 3.

[20] *See* Public Notice at 6.

[21] *See* APCO Comments at 2-4 ("creating opportunities for carriers to adopt handset options will not cause any *real* delay in Phase II implementation"); BellSouth Comments at 3-4; SnapTrack Comments at 10-11.

Indeed, for Phase I deployment (for which the "deadline" passed *15 months ago*), only 28 states have adopted cost recovery mechanisms according to a recent filing in this docket.[22] Moreover, it appears that only a fraction of all wireless subscribers are served by PSAPs that have requested Phase I service, and an even smaller fraction of subscribers are served by PSAPs offering Phase I beyond the testing level.[23] The Commission itself has acknowledged the slow pace of PSAP implementation of E-911 capabilities.[24] Given the projected high costs of deploying network-based solutions, it is premature to suggest that network-based solutions will be available significantly earlier and more universally than handset-based solutions. Indeed, costing issues concerning competing ALI Phase II solutions are an important consideration which this Commission should not lose sight of. Again, regulatory flexibility concerning technology solutions will help promote *competitive* marketplace responses — which will benefit consumers.

Ultimately, while wide-spread deployment of handset ALI technology is fully expected, there is an element of consumer choice which must be recognized. Thus, as King County aptly explains with regard to non-subscribers purchasing phones only for calling 911:

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[22] *See* SCC Communications Corp., *Ex Parte* Presentation in CC Docket No. 94-102, filed June 4, 1999.

[23] *See id.*

[24] *See* Public Notice, *Commission Seeks to Facilitate Wireless E911 Implementation and Requests a Report*, CC Docket No. 94-102, FCC 99-132, at 2-4 (rel. June 9, 1999). NENA expresses concern that there has been little discussion of the impact of waivers or rule changes on public safety. NENA Comments at 6-7. The Commission's E-911 rules struck a regulatory bargain; recognizing that E-911 would be costly and technologically difficult to implement, the Commission expressly conditioned E-911 obligations on state and local governments taking necessary implementation measures. *See E911 Report and Order*, 11 FCC Rcd. at 18719-22.

> Although it is the responsibility of public safety and the wireless carriers to educate these wireless users on the unavailability of Enhanced 911 service if they choose not to subscribe to wireless service, at some point people need to take some responsibility for the choices they make. *We should not limit our choices of Phase II technology based on the need to attempt to provide service to a segment of the population who has consciously chosen to limit their access to Enhanced 911 service . . . .*[25]

This rationale also pertains to those consumers who, in spite of education and marketing efforts and the availability of inexpensive ALI handsets, affirmatively choose to retain their legacy handsets.

C. Carrier Good Faith Efforts to Comply with Handset Deployment Benchmarks Should Suffice for Phase II Compliance

There is widespread support for phased-in deployment of ALI-capable handsets from carriers, manufacturers, public safety officials and consumer groups.[26] The record further supports U S WEST's view that given external factors such as equipment availability and fluctuations in demand, deployment benchmarks should be considered an indicia of compliance rather than a *per se* violation of the Commission's Phase II requirements; parties also agree that extreme sanctions are not appropriate.[27] In this regard, the Commission has previously

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[25] King County Comments at 5 (emphasis added); *see also* PCIA Comments at 4 (discussing problems with non service-initialized handsets). For this reason and others, Omnipoint's concern for non service-initialized handsets is misplaced. *See* Omnipoint Communications Comments at 3.

[26] *See* Aerial Comments at 3-4; AirTouch Comments at 7-14; King County E911 Program Comments at 2-4; Motorola Comments at 3; Nortel Networks Comments at 3-4; PrimeCo Comments at 3-5; Sprint PCS Comments at 6-7.

[27] AirTouch Comments at 12-13; Ameritech Comments at 4; PrimeCo Comments at 3-5; U S WEST Comments at 4-7; *see also* AT&T Comments at 2 (noting that no carrier can commit to having 99 percent of handsets ALI capable "by any specific date"); BellSouth Comments at 4-6 (opposing rigid deadlines, noting differences in PSAP capabilities and vendor availability issues). SnapTrack also acknowledges that a flexible, case-by-case approach to enforcement of

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acknowledged -- in this docket and elsewhere -- that when carriers are dependent on manufacturers for availability of technology, a good faith compliance standard is appropriate.[28] It should follow that sound policy here.

Commenters also agreed that carriers should be authorized to use either initial deployment *or* penetration benchmarks as compliance guideposts, and that any benchmarks should be tied to the prompt release of an *Order* in this proceeding.[29] U S WEST concurs with AirTouch, moreover, that benchmarks should include only digital phones.[30]

U S WEST's proposed penetration benchmarks are reasonable targets, similar to those proposed by other commenters, which will ensure the rapid availability of ALI technologies due

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[27] (...continued)
the benchmarks is appropriate. SnapTrack Comments at 17. While Aerial Communications expressly supports the APCO standards, which call for strict enforcement of deployment benchmarks, it acknowledges that carriers can do only so much to persuade customers to upgrade their handsets, and pledges to "take every *reasonable effort* to achieve 100 percent replacement of non-ALI handsets." *See* Aerial Comments at 3-4 (emphasis added).

[28] *See Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, First Report and Order and Further Notice of Proposed Rulemaking*, 11 FCC Rcd 18676, 18697 ¶ 42 (1996) (directing carriers "to make good faith efforts with manufacturers to ensure that . . . handsets manufactured in the future . . . are capable of overriding subscriber-programmed locking mechanisms and transmitting 911 calls"); *Delta Telephone Company, Inc.*, DA 98-94. (rel. Jan. 20, 1998) (granting waiver of caller ID rules where carriers "demonstrated that they made a good faith effort to purchase [necessary] software"); *Rush Network Corp.*, DA 97-1414 (rel. July 7, 1997) (granting waiver of 220 MHz construction requirement where licensee made good faith effort to comply); *see also Cuba City Telephone Exchange Co. et al.*, DA 97-2614 (rel. Dec. 15, 1997) (granting waivers of CIC-related switch upgrade where carriers working "diligently" to comply). Thus, "a 'guaranteed rate' of turnover" as APCO desires would be inappropriate and cannot be achieved. *See* APCO Comments at 5.

[29] *See* AirTouch Comments at 4, 9-12; PrimeCo Comments at 3-5; SnapTrack Comments at 8.

[30] *See* AirTouch Comments at 14-16.

to rapid handset turnover and market forces.[31] Again, the record herein and experience with regard to other technologies, including safety devices such as airbags, confirms that rapid deployment and customer acceptance will occur.[32] It is ultimately educated consumer choice, and not regulatory fiat, that will best serve the public interest and promote the deployment of effective ALI technologies.

D. Waiver/Rule Change Opponents Offer No Valid Basis for Rigidly Imposing Network-Based Solutions on CMRS Carriers

Proponents of network-based solutions continue to oppose any proposals allow for *any* phased-in deployment of ALI-capable handsets. TruePosition, for example, argues that waiver proponents have not met the Commission's waiver standards set forth in the *Reconsideration Order* because handset-based solutions purportedly "offer no improvements over the accuracy already demonstrated by TruePosition and other network-based E911 providers."[33]

The record has evolved considerably since the *Reconsideration Order*, however, and as U S WEST and numerous other parties have discussed, GPS-based technologies hold considerable potential as a cost-effective, highly accurate Phase II solution that may, in fact, substantially exceed the ALI accuracy standard of the Commission's rules and provide more reliable location information.[34]

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[31] *See* AirTouch Comments at 10-11; PrimeCo Comments at 4-5; IDC Comments at 8-9, Att. B.

[32] *See* AirTouch Comments at 13 n. 24; IDC Comments at 8-9.

[33] TruePosition Comments at 14-15.

[34] U S WEST Comments at 2-3; *see* AirTouch Comments at 1-3. KSI's assertion that the cost to consumers of handset-based solutions will exceed $10 billion fails to acknowledge that these so-called "costs" of Phase II implementation include the anticipated handset churn that

(continued...)

Moreover, network-based solution providers have not demonstrated *any* ALI solutions for CDMA carriers.[35] The Radix assertion that "[i]t has been shown that infrastructure-based ALI solutions exist for all cellular formats, including CDMA," is simply wrong.[36] Simply put, as the Commission's recent Technical Roundtable confirmed, there is been no testing data of network-based solutions for CDMA carriers made available on a wide scale basis to carriers and, moreover, issues concerning the cost and feasibility of such network-based solutions remain.[37]

KSI argues in opposition that the October 1, 2001 date is "a *deadline* and not a start date, and therefore should not be viewed as such."[38] KSI ignores the fact, however, that the October 1, 2001 compliance date is a *conditional* deadline, *subject to PSAP requests, PSAP technical capability, and cost recovery availability.*[39] This fact will almost certainly result in a phased-in deployment — after the October 1, 2001 deadline — for network-based solutions as well. To

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[34] (...continued)
would occur *regardless of whether a handset is ALI-capable.* Moreover, KSI's $10 billion figure apparently is based on the cost of the entire handset, rather than the added cost to consumers (if any) of implementing the ALI capability. *See* KSI Comments at 8.

[35] *See* AirTouch Comments at 2-3.

[36] While Radix asserts that it "has developed" a network-based solution for CDMA carriers, it also states that it will not be production-ready until 2Q2000. Radix Comments at 3. U S WEST does not believe that Radix has a viable, available CDMA solution, to date.

[37] Given that CDMA carriers are the fastest-growing industry segment, a Commission rule that allows only for network-based solutions will have a disproportionate negative impact on CDMA carriers — and, in turn, their many subscribers. *See Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993, Annual Report and Analysis of Competitive Market Conditions With Respect to Commercial Mobile Services, Fourth Report*, FCC 99-136, at 10--11, B-7 (rel. June 24, 1999) (discussing rapid growth of CDMA subscribership).

[38] KSI Comments at 6 (emphasis in original).

[39] *See* 47 C.F.R. § 20.18(f).

suggest that the rules require all CMRS carriers to have Phase II capabilities in all markets on October 1, 2001 is simply not true, and to suggest that Phase II capabilities will be *available* for all carriers by that time is both unrealistic and misleading.[40] Network vendors clearly must recognize this — notwithstanding their claims to the contrary.

Finally, U S WEST notes that, contrary to claims submitted by network-based solution providers,[41] handset-based and hybrid technologies show tremendous potential to improve accuracy standards and adapt over time to new handset and network technologies.[42] Thus,

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[40] While opposing phased-in handset deployment, U.S. Wireless as an alternative recommends that handset waivers be conditioned on: availability of test results involving handsets with integrated ALI capability; demonstrated commitment by manufacturers; analog-digital dual mode capability; and a requirement that a network-based solution be used if handset-based deployment guideposts are not met. U.S. Wireless Comments at 6-7. The first three of these proposed "conditions" are totally unnecessary. A carrier would not commit the financial and technical resources to a particular solution without sufficient testing and manufacturer commitment. Moreover, handset-based or hybrid technologies are not tied to a particular wireless standard, so a "dual mode" requirement is unnecessary. The final condition should be rejected outright. As discussed above, good faith compliance with deployment benchmarks is the appropriate standard and the "fallback" network requirement is nothing more than a self-serving attempt to provide an unfair economic "guarantee" to network vendors. Moreover, nowhere does U.S. Wireless discuss how the public interest is served by the delays and expense it takes a carrier to switch from a handset-based to network-based solution, or whether PSAPs would have the resources to make the necessary changes. As noted by the Wireless Consumers Alliance, "it makes little sense to require the carrier to supply network ALI systems that are inadequate and too expensive for most PSAPs to deploy." WCA Reply at 4.

[41] *See* KSI Comments at 5-9; True Position Comments at 14-16.

[42] *See* IDC Comments at 10-11; Sprint PCS Comments at 2-3; U S WEST Comments at 8; AirTouch Comments at 4-6; King County Comments at 2-3; PrimeCo Comments at 6. Even NENA, which U S WEST acknowledges opposes amending or waiving the Phase II rule, was "impressed with the performance of [a handset technology] relative to more traditional GPS technologies . . . ." NENA Comments at 6 n.12. The waivers or rule changes proposed would help "achieve the further improvements in ALI capabilities [the Commission] discussed in the E911 *Further NPRM*" by potentially improving accuracy and providing potential improvements in ALI over time. *See Reconsideration Order*, 12 FCC Rcd. at 22725 ¶ 124; *First Report and Order/FNPRM*, 11 FCC Rcd. at 18743-44.

requiring accuracy in excess of the Commission's current rules will, in fact, serve the public interest.[43] And, again, regulatory flexibility will promote the public interest — and safety — by allowing the best and most effective ALI solution (be it handset, network or hybrid) to be deployed.

II. MISCELLANEOUS ISSUES

RMS/CEP Accuracy Standards. U S WEST continues to support use of CEP over RMS as the appropriate methodology for determining Phase II compliance.[44] A number of commenting parties have elaborated further on the appropriateness of CEP.[45] Even where CEP is not expressly supported, the comments demonstrate how RMS is an inappropriate methodology.[46] The Commission should thus amend its rules to use CEP methodology or, at minimum, something more appropriate than RMS.

Industry Standards. A number of parties addressed APCO's proposal that carriers be required to "agree to implement technologies that meet industry standards for interfacing with all carriers and PSAPs."[47] As a number of parties noted, standards development work is already under way without such a mandate and, of necessity, carriers will need to comply with those

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[43] *See* Ameritech Comments at 5.

[44] U S WEST Comments at 9-10.

[45] *See* AirTouch Comments at 18; AT&T Comments at 3; BellSouth at 7-9; Omnipoint Communications at 5; Omnipoint Technologies Comments at 2; PCIA Comments at 6-7; PrimeCo Comments at 7 SnapTrack Comments at 20-22;

[46] *See* ALLTEL Comments at 3 (not endorsing either RMS or CEP, but noting preference for CEP over RMS); SnapTrack at 22 (discussing use of CDF as acceptable solution); Motorola Comments at 3-6 (proposing Mean Radial Error as alternative to RMS); RTG Comments at 2.

[47] APCO Further Comments at 3.

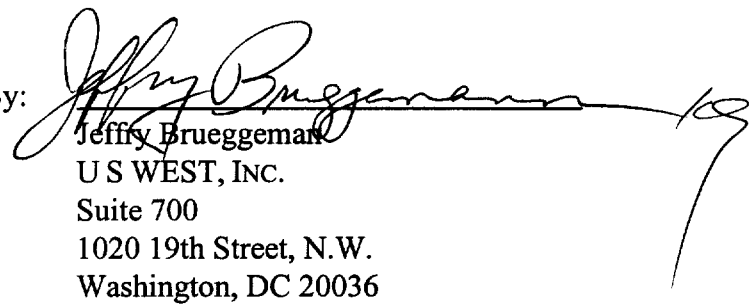
standards to market and to ensure the interoperability of their systems.[48] Moreover, "interfacing" with PSAPs must not be interpreted so as to authorize PSAPs to dictate a particular technology.[49]

CONCLUSION

As discussed herein and in U S WEST's earlier filings, the Commission should waive or amend its rules to authorize CMRS carriers to implement handset-based Phase II solutions.

Respectfully submitted,

U S WEST WIRELESS, LLC

By: 

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[48] *See supra* note 17.

[49] *See* AirTouch Comments at 14. As the Commission has noted, this issue has already complicated the deployment of Phase I service. *See* June 9th Public Notice at 6.

CERTIFICATE OF SERVICE

I, Jo-Ann G. Monroe, hereby certify that on this 2nd day of July, 1999, copies of the foregoing "Reply Comments of AirTouch Communications, Inc." in CC Docket No. 94-102, in response to DA 99-1049, were served by hand upon the following:

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